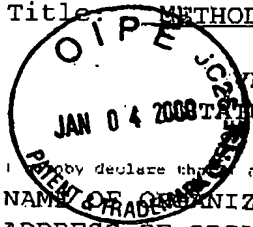


Applicant or Patentee: Stoughton, et al.
 Serial or Patent No.: 09/038,894 Attorney's No.: 24730-2202
 Filed or Issued: March 11, 1998
 Title: METHODS OF DIAGNOSIS AND TRIAGE USING CELL ACTIVATION MEASURES



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) and 1.27 (d) - NON PROFIT ORGANIZATION

I hereby declare that I am empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION THE SCRIPPS RESEARCH INSTITUTE
 ADDRESS OF ORGANIZATION 10550 North Torrey Pines Road
La Jolla, California 92037

TYPE OF ORGANIZATION

- ☐ University or other institution of higher education
☒ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))
☐ Nonprofit scientific or educational under statute of the United States of America

Name of State _____
 Citation of statute _____

- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)) if located in the United States of America

Name of State _____
 Citation of statute _____

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9 (e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled

METHODS OF DIAGNOSIS AND TRIAGE USING CELL ACTIVATION MEASURES

by inventor(s) Stoughton, et al.
 described in

- ☐ the specification filed herewith.
☒ application Serial No. 09/038,894 filed March 11, 1998
☐ Patent No. _____, filed _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention must file separate verified statements averring to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) of a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

NAME: CELL ACTIVATION, INC.
 ADDRESS: 11555 Sorrento Valley Road, San Diego, California 92121, U.S.A.

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
 ADDRESS: 9500 Gilman Drive, La Jolla, California 92093-0093, U.S.A.

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Douglas A. Bingham
 TITLE IN ORGANIZATION Vice President and General Counsel
 ADDRESS OF PERSON SIGNING 10550 North Torrey Pines Road
La Jolla, California 92037

SIGNATURE: [Signature] DATE: 21 Dec 99

DEC. 21. 1999 10:41AM



NO. 3637 P. 3

Atty Docket No. 24730-2202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stoughton et al.

Serial No.: 09/038,894

Filed: March 11, 1998

F r: METHODS OF DIAGNOSIS AND TRIAGE USING CELL ACTIVATION MEASURES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 551.9(f) and 1.27(d) - NONPROFIT ORGANIZATION)**

I her by declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
ADDRESS OF ORGANIZATION: 9500 Gilman Drive, La Jolla, California 92037

TYPE OF ORGANIZATION

- ☒ (X) University or other Institution of Higher Education
- ☐ () Tax Exempt under Internal Revenue Service Code (26 U.S.C. 55501(a) and 501(c)(3))
- ☐ () Nonprofit Scientific or Educational under Statute of State of the United States of America (Name of State _____) (Citation of Statute _____)
- ☐ () Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. 55501(a) and 501(c)(3)) if located in the United States of America
- ☐ () Would qualify as nonprofit Scientific or Educational under Statute of State of the United States of America if located in the United States of America (Name of State _____) (Citation of Statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. 51.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled METHODS OF DIAGNOSIS AND TRIAGE USING CELL ACTIVATION MEASURES by inventor(s) Stoughton et al. described in

- ☐ () the specification filed herewith
- ☒ (X) application Serial No. 09/038,894 filed March 11, 1998
- ☐ () Patent No. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

Atty Docket No. 24730-2202

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. §1.27).

Full Name CELL ACTIVATION, INC.
 Address 11555 Sorrento Valley Road, San Diego, California 92121, U.S.A.
 () Individual (X) Small Business Concern () Nonprofit Organization

Full Name THE SCRIPPS RESEARCH INSTITUTE
 Address 10550 N. Torrey Pines Road, La Jolla, California 92037, U.S.A.
 () Individual () Small Business Concern (X) Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING
 TITLE IN ORGANIZATION
 ADDRESS OF PERSON SIGNING

Alan Paau
Director, Technology Transfer Office
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA
9500 Gilman Drive
La Jolla, California 92037

SIGNATURE
 DATE

Alan Paau
Dec 27, 1999